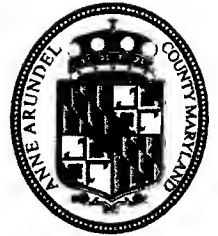




Anne Arundel County Police Department
8495 Veterans Highway Millersville, Maryland 21108
(410) 222-8050
www.aacounty.org/police



Timothy J. Altomare
Chief of Police

February 12, 2019

Mr. Dave Maass
Muckrock News
Dept MR 66016
411A Highland Avenue
Somerville, MA 02144-2516


Dear Mr. Maass,

This letter is in response to the last two correspondence from you dates February 4 and 7, 2019. In one you have asked for a follow up to a December 13, 2018 request for records. Please note that all correspondence on this topic of License Plate Readers has been in response to both of your original requests on this matter as stated in my December 20, 2018 letter to you. You have. Your request has been processed in accordance with the Maryland Public Information Act, Annotated Code of Maryland, General Provisions Article § 4-101, et seq. (MPIA).

In another correspondence you indicated that at this point you only seek a "data sharing report". I have found no such report upon search. For clarification, I have enclosed the Department's License Plate Reader Program Index Code 1834. Within it you will see the data sharing in place with the Maryland Coordination and Analysis Center (MCAC), which is the State's fusion center for this data. There is no other data sharing in place, and likewise no report to produce.

You may challenge any part of this response to your Request by filing an action in the appropriate court of law pursuant to MPIA § 4-362. You may also contact the Public Access Ombudsman per MPIA § 4-1B-04. If you have any questions, please do not hesitate to contact me.

Sincerely,


Christine Ryder
Custodian of Records

** We do not review or
share data other
than MCAC.*



LICENSE PLATE READER PROGRAM

INDEX CODE: 1834
EFFECTIVE DATE: 07-12-16

Contents:

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I. PURPOSE

The purpose of this directive is to provide guidelines regarding the access to and use of License Plate Reader (LPR) systems and data by members of the Department.

II. POLICY

It is the policy of the Anne Arundel County Police Department to utilize License Plate Reader (LPR) technology for legitimate law enforcement purposes only.

The Anne Arundel County Police Department has adopted this policy for the compliance with applicable law protecting privacy, civil rights, and civil liberties. This policy outlines the use, analysis, retention, destruction, sharing and disclosure of protected information received and stored within the Anne Arundel County Police Department. This policy applies to all personnel of the Department.

III. DEFINITIONS

A. ALPR/LPR

Automatic License Plate Recognition (ALPR), also known as License Plate Reader (LPR), provides automated detection of license plates. The LPR system consists of a high-speed camera, mounted either at a fixed location or on a mobile patrol vehicle, and a computer to convert data from electronic images of vehicle license plates into a readable format, and then compare the information against specified databases of license plates.

LPR systems record license plates that pass through the operational zone of cameras and record the location, date and time of the scan or "read".

B. Hot List

List of license plates associated with vehicles of interest compiled from several databases. Vehicles of interest include, but are not limited to: stolen tags or vehicles; missing, wanted persons; and vehicles flagged by the Motor Vehicle Administration. The Hot List is downloaded from the Maryland Coordination and Analysis Center (MCAC) servers through a secure connection. MCAC maintains the most current version of the Hot List on its servers. It is updated a minimum of twice daily.

Tags may be added to the Hot List by contacting MCAC. Mobile LPR Operators have the ability to enter tags into their mobile system, but not directly to the MCAC system. The tags entered on their mobile system are independent of the MCAC Hot List.

C. Mobile LPR Operator

Only properly trained Department personnel will utilize the License Plate Reader (LPR) mobile system/equipment. This will only occur after mandatory attendance of a four (4) hour training course conducted by a certified mobile LPR trainer.

Mobile LPR operators may be assigned to any position within the Department.

D. LPR Administrator

The Commander of the Community Relations Division serves as the License Plate Reader (LPR) Administrator for the Department.

E. Captured Plate Data

The dates, times, characters appearing on a license plate, photographs, global positioning system coordinates, and any other data collected by or derived from an ALPR. Captured plate data includes both active and historical data.

F. Historical Data

Any data collected by an LPR system and stored for future investigative or analytical use.

G. Active Data

Any data collected by an LPR system that has not yet been purged or stored for future investigative or analytical use.

H. Legitimate Law Enforcement Purpose

Access to LPR active or historical data is restricted to:

- a. The investigation, detection or analysis of a crime(s);
- b. The investigation of a violation of the Maryland vehicle law(s);
- c. The investigation or location of persons known to be terrorists (Terror Watch List) or wanted;
- d. The investigation, location and searching of missing or endangered persons (AMBER, SILVER, BLUE, etc. alerts).

I. Maryland Coordination and Analysis Center (MCAC)

MCAC is Maryland's Fusion Center which coordinates the efforts of federal, state and local agencies to gather, analyze, and share information with law enforcement, public health, and emergency management personnel. MCAC houses the LPR Operations Center and is the central repository for captured plate data.

J. LPR Operations Center

MCAC houses and maintains the LPR Operations Center. The LPR Operations Center provides database, query, history tracking and reporting for the LPR program.

K. User Access Level

User access to LPR system is controlled by a logon name and password. Several levels of access are built into the system to allow for different roles within the system. Typical roles are: administrator, manager, operator, and user. Logon name, password and access level will be requested through the Technology Section and approved by the LPR Administrator.

IV. LPR SYSTEMS

A. MOBILE SYSTEM - The Department's Mobile LPR systems are affixed to Department vehicles and interface with Mobile Data Computers (MDC's). These systems are deployed and utilized by trained mobile LPR Operators. Mobile LPR systems are designed to operate from a moving or stationary vehicle for a variety of legitimate law enforcement purposes.

Any Mobile LPR system cameras not permanently mounted on a patrol vehicle will be secured with brackets in addition to magnets. LPR system cameras that are not permanently affixed will be removed and placed in a secure

area, such as the trunk, when the LPR Operator is on regular days off (RDO's) or on leave for more than one day, unless the vehicle is being stored at an approved secure facility.

Mobile LPRs are assigned and deployed to officers by the LPR Administrator. Any changes in assignment should be coordinated with the Technology Section to provide training and equipment removal or installation.

B. **FIXED LOCATION** - Fixed LPR systems are non-vehicle mounted systems. They may be portable, but are designed to monitor a specified public location or roadway. Fixed LPR systems will not be used by agency personnel to monitor for MVA law violations unless approval is granted by the LPR Administrator.

Select fixed LPR systems, identified by the LPR Administrator, will be monitored regularly by the Communications Section, who will receive appropriate training and access level to "accept" or "reject" hits generated by overt Fixed LPR systems. "Accepted" hits will be verified against a live database (see LPR DATA below). If verified, a call for service or BOLO will be generated and dispatched. Communications Section SOPs will be used to determine priority level and unit assignment.

V. **LPR DATA**

All LPR Systems will transmit data to/from MCAC via an encrypted Virtual Private Network (VPN) as prescribed by the MCAC Standard Operating Procedure manual. All captured plate data will be transmitted to MCAC.

The LPR Hot List data is generated by the LPR Operations Center. It is not real time and may contain erroneous, flawed or incorrect data. Any information received from capture plate data that is recognized as a positive "hit" against the Hot List, must be verified before any action is taken. Verification will be conducted through a through a live database such as MVA, METERS, and/or NCIC.

All captured plate and historical data -read or stored by the Department ALPR/LPR systems are jointly the property of Anne Arundel County Police Department and the Maryland Coordination and Analysis Center (MCAC). The Anne Arundel County Police Department will store historical data for investigative or analytical purposes on an Anne Arundel County Police owned computer server for a period not to exceed **(1) one day** MCAC will maintain historical data according to parameters of MCAC standard operating procedures. Data that exceeds its retention period or not otherwise allowed to be retained under provision of law will be purged from the system.

Mobile LPR systems will not retain historical data on the associated Mobile Data Terminal/Computer. Retention on Mobile LPR systems will be set to zero (0) days and will be purged immediately upon successful system logoff by the Mobile LPR Operator.

All LPR Data will be held in accordance with Maryland Coordination and Analysis Center policies and state law. All requests for data will be in accordance with Department and MCAC policies, rules, and procedures (Appendices A, B and C).

Historical data maintained on Anne Arundel County Police computer servers may only be accessed by authorized agency personnel and authorized MCAC members. Only trained personnel may access system data on the Anne Arundel County computer server. Training is provided through the Technology Section. Access to the system is issued through user name, password and access level control as granted by the LPR Administrator via the Technology Section. Accessibility levels determine if personnel can add tags, conduct queries and/or run audit reports. Activity of all users is tracked and logged for audit purposes.

Active or historical data may only be used for a legitimate law enforcement purpose. The License Plate Readers and Captured Plate Data Law (Senate bill 699) became law on October 1, 2014 and assesses a maximum penalty of imprisonment for one year and/or a fine of \$10,000 for anyone violating its provisions.

Information gathered by LPR systems is precluded from disclosure under the Maryland Public Information Act.

The policy set forth herein is not intended to create or confer any rights, privileges, or benefits in any matter, case, or proceeding, see *United States v. Caceres*, 440 U.S. 741 (1979), and does not have the force of law.

VI. QUERIES & SEARCHES OF DATABASE

Historical LPR data is stored locally and on MCAC servers for specified period of time. Queries of historical data may be performed for legitimate law enforcement purposes. All queries will be sufficiently documented. Queries will be classified as exigent, non-exigent or Crime Analysis.

A. EXIGENT CIRCUMSTANCES

Exigent queries – those queries that of an immediate need may be performed on Anne Arundel County server historical data by a person of sufficient access level. *Because the data retention period for the Anne Arundel County Police Department is set at one (1) day, all exigent searches of historical data should be made through the MCAC-LPR Operations Center 1-800-492-TIPS (8477), which is staffed 24 hours a day. You will then be directed on how and where to forward the completed request form.*

Locally stored data is limited to data collected only by LPR systems owned and operated by Anne Arundel County. The LPR software will require a case number be entered before any system query may be made. All queries of this sort will be documented by completing a supplemental report. The report will specifically detail reason for the search, the name of user performing the search, the information inputted for the search, and whether the search resulted in “no information obtained” or “information was obtained”. If obtained information is disseminated to another person, the officer who searched the LPR database is responsible for also documenting this in the supplement.

Example: On (date), Officer (Name) conducted a search of the Anne Arundel County LPR database regarding (case number). The search was based on (information from a witness, video, investigation, etc.). The data searched was (say what you inputted). From this search, (choose one) INFORMATION WAS OBTAINED/WAS NOT OBTAINED.

B. NON-EXIGENT CIRCUMSTANCES

When no immediate need exists, requests for LPR data should be submitted directly to the MCAC - LPR Operations Center. The MCAC - LPR Operations Center contains data from numerous LPR systems operated around the state. Simply complete the MCAC request form and forward to MCAC. Requests of this nature will be noted in the officer's report or supplemental report. Copies of the MCAC request form should be held in the officer's case file.

C. CRIME ANALYSIS

The Crime Analysis Unit may utilize locally stored data for law enforcement purposes. (i.e., analysis of crime) All queries shall be documented and will include the reason for the search, the name of user performing the search, the information inputted for the search, and whether the search resulted in “no information obtained” or “information was obtained”. A file or log of all queries must be maintained in the Crime Analysis Unit for auditing and tracking purposes. Crime Analysis Unit personnel will not be required to enter a case number for a local query when conducting queries for the analysis of crime.

VII. RESPONSIBILITIES OF MOBILE LPR OPERATORS

A. LPR Operators will immediately report any malfunction of or damage to LPR equipment to the Technology Section and to the LPR Administrator.

B. Mobile LPR Operators will contact the Technology Section for any issues with the interface between the MDC and the LPR equipment or any other technical issues.

C. At the end of each month, Mobile LPR Operators will report any notable hits/recoveries/action taken as a result of the LPRs to the LPR Administrator.

D. Mobile LPR Operators must receive the required four (4) hour training prior to using the Mobile LPR System/equipment. The training will be conducted by a MCAC certified LPR Trainer. Mobile LPR Operators must maintain METERS CN2 certification.

VIII. RESPONSIBILITIES OF LPR ADMINISTRATOR

The LPR Administrator will serve as a liaison between the Department and the system manufacturers, the Maryland State Police, and the Maryland Coordination and Analysis Center (MCAC), and any other law enforcement or compliance agency regarding License Plate Readers and LPR data. The Administrator has the ability to generate

reports, audits logs and authorized user lists for administrative purposes, for the Office of Professional Standards or the Chief of Police as requested or required. The Administrator will be responsible for coordinating or facilitating training for all authorized users of the LPR System or LPR computer server(s). The Administrator will control access of the LPR system through user names, permission levels and scope of access. Permission levels and scope of access will be determined by the LPR Administrator.

IX. RESPONSIBILITIES OF DISTRICT, PLATOON AND/OR SECTION COMMANDERS

District, Platoon and Section Commanders will ensure that LPR systems are inspected on a regular basis and that personnel under their command are utilizing the systems lawfully and within policy. They will also ensure that only trained, certified and authorized personnel are assigned to operate any Mobile LPR system.

X. RESPONSIBILITIES OF THE TECHNOLOGY SECTION

The Technology Section will ensure that the interface between LPR equipment, Department Mobile Data Computers (MDC's) and the Maryland Coordination and Analysis Center (MCAC) is maintained. Qualified members of the Technology Section may serve as trainers upon request of the Administrator.

XI. RESPONSIBILITIES OF THE COMMUNICATIONS SECTION

The Communications Section will monitor Fixed LPR site activity and respond to notifications on the system according to established Communications Section SOPs.

XII. PROPONENT UNIT: Community Relations Division.

XIII. CANCELLATION: This directive cancels Index Code 1834, dated 04-22-15.

Anne Arundel County Police Department
PIA Office
8495 Veterans Highway
Millersville, MD 21108

February 22, 2019

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Maryland Public Information Act request, copied below, and originally submitted on Dec. 13, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 65891-83921105@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 65891
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Dec. 13, 2018:

To Whom It May Concern:

Pursuant to the Maryland Public Information Act, I hereby request the following records:

- 1) The names of agencies and organizations with which the Agency shares ALPR data;
- 2) The names of agencies and organizations from which the Agency receives ALPR data;
- 3) The names of agencies and organizations with which the Agency shares "hot list" information;
- 4) The names of agencies and organizations from which the Agency receives "hot list" information;

This information is easily available within the Agency's LEARN system. The simplest way to extract this data is to generate an "Agency Data Sharing Report" PDF file from within LEARN. To do this, a user may simply go to the "Sharing" section of LEARN and select "Output Report." A CSV/XLS file containing these records would also satisfy this request.

The instructions for extracting this data is described on pages 62-63 of the LEARN Agency Manager Guide, which may be found at this link:

<https://www.documentcloud.org/documents/3860685-LEARN-5-1-Agency-Manager-Guide.html>

An example of this record may be found at this link:

<https://www.documentcloud.org/documents/3936113-Palos-Verdes-Estates-Police-Department-Data.html>

A number of other agencies have regularly determined the above information constitutes a public record and have provided an "Agency Data Sharing Report." These agencies include:

Anaheim Police Department, Antioch Police Department, Bakersfield Police Department, Chino Police Department, Clovis Police Department, Elk Grove Police Department, Fontana Police Department, Fountain Valley Police Department, Glendora Police Department, Hawthorne Police Department, Irvine Police Department, Livermore Police Department, Lodi Police Department, Long Beach Police Department, Montebello Police Department, Orange Police Department, Palos Verdes Estates Police Department, Red Bluff Police Department, Sacramento Police Department, San Bernardino Police Department, San Diego Police Department, San Rafael Police Department, San Ramon Police Department, Simi Valley Police Department, and the Tulare Police Department.

We further request the following records

The aggregate number of "detections" (i.e. license plate scans and associated data) collected during 2016.

The aggregate number of detections collected during 2017.

The aggregate number of detections collected during 2018.

The aggregate number of "hits" (i.e. times that a plate on a hotlist was detected) during 2016.

The aggregate number of "hits" during 2017.

The aggregate number of "hits" during 2018.

This information is easily available within the Agency's LEARN system. The simplest way to extract this data is to generate a "Dashboard Hit Ratio Report" PDF file from within LEARN. We would prefer the data for each year to be provided separately.

An example of this document may be found at:

<https://www.documentcloud.org/documents/3870802-Sacramento-PD-Hit-Ratio-Rpt-010112-051917-Redacted.html>

The instructions for extracting this data is described on pages 78-79 of the LEARN Agency Manager Guide, which may be found at this link:

<https://www.documentcloud.org/documents/3860685-LEARN-5-1-Agency-Manager-Guide.html>

The following agencies have regularly determined the above information constitutes a public record and have provided an "Dashboard Hit Ratio Report." These agencies include:

Anaheim Police Department; Bakersfield Police Department; Chino Police Department; Clovis Police Department; Elk Grove Police Department; Fontana Police Department; Irvine Police Department; La Habra Police Department; Laguna Beach Police Department; Lodi Police Department; Sacramento Police Department; San Diego Police Department; San Ramon Police Department; and the Red Bluff Police Department.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the

request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Dave Maass

Filed via MuckRock.com

E-mail (Preferred): 65891-83921105@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 65891

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